

REMARKS

Claims 1 through 15 drawn to the article claims have been canceled and a divisional application is being filed. Applicant affirms the election to proceed with prosecution of the method claims of Group II (original claims 16 through 22). New method claims 23 through 33 have been added.

Original independent claim 16 and various other original dependent claims have been amended in view of the cited prior art. The Trimble reference is drawn to a concrete form used in making tubular concrete structures, and as such comprises both an interior mold wall and an exterior mold wall, the concrete being poured between the two mold walls. The Tran reference merely discloses the use of a polymer aggregate coating to provide anti-corrosion protection for a metal substrate, such as a pipe. The invention at hand involves the methodology for creation of a tubular bore within a concrete structure.

Claim 16 has been amended to require that the section members be rigid members formed by the combination of the flexible mold skeleton member and the polymer-aggregate panel member, and further to require that the joined section members define a tubular form having a smooth-walled exterior surface, this surface resulting in a smooth-walled tubular cavity within the concrete structure upon removal of the section members. The combination of Trimble and Tran does make obvious this method. Tran only teaches application of the polymer aggregate concrete material to a surface in order to protect against corrosion. A relatively thin coating of polymer-aggregate concrete as taught by Tran would not impart rigidity, as polymer-aggregate concrete in thin coating layers is not inherently rigid.

There is no motivation or suggestion of desirability for combining the Tran teachings with that of Trimble. The application of the polymer-aggregate concrete in the invention at hand

is for the dual purpose of providing rigidity to the mold form and creating a smooth-walled exterior tubular surface. The flexible mold skeletons are preferably not made of metal, and therefore no issue of corrosion protection even arises. The Tran coating is analogous to applying a paint or coating with an epoxy or the like an exposed metal surface. There is no suggestion or motivation in Tran to apply a polymer-aggregate coating to the surface of mold, and especially no motivation or suggestion to apply the polymer-aggregate concrete to rigidify and produce a smooth-walled exterior surface suitable for use as a mold surface. The mere fact that the Trimble and Tran references can be combined or modified does not render the resulting combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990); MPEP 2143.01 (III). Such is not found here, since Tran merely teaches anti-corrosion protection.

As to claim 17, amendment has been made to correctly assert that the annular and longitudinal flanges extend internally and externally to the tubular wall portion. The internal extensions are utilized for joining the sections, while the external extensions are utilized as planing guides for smoothing the polymer-aggregate concrete to create the smooth-walled exterior surface to receive the concrete. The Examiner failed to acknowledge this limitation in the office action, and it is submitted that there is no teaching in Trimble or Tran that anticipates or makes obvious this limitation in the method. As stated in the specification, this is a critical step in formation of the mold form to receive the concrete that forms the final structure in order to insure that the tubular cavity is precise in its dimensions and smoothness of surface.

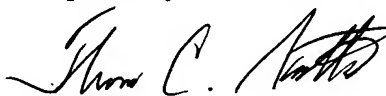
As to claim 19, amendment has been made to clarify that the spacer members, if present, extend externally between adjoining flanges, and that in this method the spacer members act as

the planing guides. There is no teaching in Trimble or Tran that anticipates or makes obvious this limitation in the method, alone or in combination.

New claim sets 25 through 28 and 29 through 33 define the methodology in alternative manner to that presented in claim set 16 through 24, but contain the same limitations and requirements in different form or combination. It is submitted that the arguments set forth above in regard to the lack of anticipation, teaching, motivation and suggestion relative to claim set 16 through 24 apply to these claim sets as well.

It is respectfully submitted that the claims as presented are patentable, on the basis of the above remarks, and reconsideration and subsequent passage for allowance is hereby requested.

Respectfully submitted,



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